



COUNCIL AGENDA: 06-22-04  
ITEM: 10.3

## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL AND  
REDEVELOPMENT AGENCY BOARD

**FROM:** Del D. Borgsdorf  
Harry Mavrogenes

**SUBJECT:** DOWNTOWN DESIGN  
REVIEW PROCESS

**DATE:** June 15, 2004

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### **RECOMMENDATION**

Adopt a resolution approving the Enhanced Downtown Design Review process to review certain Downtown projects, establish thresholds for projects requiring enhanced design approval, utilize Redevelopment Agency funded contractual architectural services to implement the review process, and report to the City Council following one year of implementation on the program.

### **BACKGROUND**

The City Council on March 16, 2004 approved changes to the Downtown Zoning provisions and adopted the Downtown Design Guidelines. At that meeting, the City Council directed staff to return with a proposed design review process for development in Downtown. Staff has since conducted research into the design review processes for Seattle, Portland and Vancouver, B.C. Staff has also met with members of the Downtown Association and Chamber of Commerce interested in design issues to gauge their opinions on different design review options.

### **Design Review Research**

Staff researched the design review processes of Seattle, Portland and Vancouver, identified the main features of each city's process, and spoke with staff to formulate the recommendations in this memo. Each of the cities utilizes an independent panel to review projects of significance. This review occurs formally at two important steps in the process, prior to submittal and upon submittal of a Site Development Permit application. Additionally, staff works with the applicants at other points in the process to help guide and refine the design. Having staff trained in architecture is also a common theme for these programs and critical to their success.

### **Design Review Options**

There are several major forms of design review used by cities. A brief description of each below discusses the major characteristics of several of the more relevant forms of design review that should be considered for Downtown San José.

### **Expanded Staff Review**

This form of design review would include staff review of projects beyond the review that currently occurs citywide. Staff would review proposed projects using the General Plan, Downtown Strategy 2000 Plan, Zoning Code, Downtown Design Guidelines and area specific tools such as Historic Guidelines or SNI plans. The expanded portion of this review would include hiring third party architects and urban designers to work with staff on specific projects to provide a greater level of design and architectural expertise than is available with staff alone. The Planning Department has most recently used this model on the KB Homes Tuscan Hills development located on Communications Hill where the City and KB Home jointly selected the third party firm to work with the project design team through the design development phases.

### **Formal Design Panel**

This form of design review would include a panel of local and outside the Bay Area members to review projects. The role of this panel would be to review, deliberate and provide direction to the project applicant and staff on how to balance City goals with project goals. The review panel would be responsible to ensure that the best designs are considered in San Jose. Members would be paid for their review services. The design review in Seattle generally occurs in this manner. The panel would not make project decisions, but rather recommendations to the Director of Planning, Building and Code Enforcement.

## **ANALYSIS**

The implementation of a design review process in Downtown will require modifications to the current staff review process and need to align with the pending updates to the Public Outreach Policy. Any such review process needs to add value to the City design review process, but not add substantially to the overall application review process. A successful review process is one that allows projects to move through the development process on a schedule with certainty and results in high quality developments that add to the character and livability of Downtown.

Staff has looked at the major facets of design review and has grouped them into five categories: the design review process, the format of a panel if included in the review, the project thresholds that trigger design review, the level of involvement of the public in the review process, costs associated with the design review and staffing issues. Each is discussed below with a staff recommendation incorporated for Council consideration.

### **Design Review**

Options for design review were discussed with the Downtown Association and the Chamber of Commerce, local architects and other interested parties. While there was support from the Downtown Association and local developers for an Architectural Review Committee concept, public and private concerns continued to be expressed over the benefits of the previous Urban Design Review Board (URDB). There was general acknowledgement that the URDB raised the bar for architecture and design for the Downtown overall. The concerns expressed focused on

process, public participation and outcomes. Acknowledging those concerns, staff recommends an Enhanced Downtown Design Review, which is an expansion of the current staff review.

### **Review Process**

One common theme of design review in other cities is the necessity that projects be reviewed at their infancy, and then at discrete steps throughout the process. Staff proposes a three-step review process for design review. Step one would be a meeting of staff and the developer with its design team to discuss the site-specific issues, the use of the Downtown Design Guidelines, and the design review and permitting process.

Following that meeting, the developer and its team would prepare a conceptual development package of a site plan, building massing, and generalized floor plans as relevant. This conceptual development package would be submitted for staff review as a mandatory Comprehensive Preliminary Review. The City would also send the plans to its third party design professionals and simultaneously schedule a meeting for all parties to discuss the project in preparation of recommendations to the Director of Planning, Building and Code Enforcement.

Upon submittal of a project development permit application, which responds to comments from the conceptual review, staff would begin a detailed formal review again with the assistance of third party design professionals. Staff would work directly with the applicant to resolve outstanding design issues, relying on the recommendations of the third party reviewer(s). As appropriate, staff would include the third party design professionals in those meetings with the applicant and its design team. The Director would utilize the recommendations in the decision making process of considering a Site Development permit application.

For projects that trigger the Enhanced Downtown Design Review process and also reviewed by the Historic Landmarks Commission (HLC) and/or its subcommittee, there is no presumed order in the review by the respective groups. The Director of Planning, Building and Code Enforcement would retain the decision making authority over the project and the comments from both the HLC and the third party design professionals would be advisory in nature allowing the Director to reconcile any differences.

### **Public Process**

The design review processes needs to incorporate public review at the major steps of a project so that the community can participate in the early decision making of the project. The Public Outreach Policy will continue to be utilized to enable adequate public participation.

It is anticipated that in each of the above options, at least two and possible three public meetings would be held. The first public meeting would occur at the early review phase of a proposal, prior to submittal of a development permit. At this stage, guidance from staff and the design professionals would be offered for the developer and their design team to consider in creating the project.

The second public review meeting would occur at submittal of a development permit application for the project. At this meeting, staff would present the project to the public and identify design

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issues needing to be resolved. The public would have the opportunity to provide their comments on the project.

### Thresholds

The Enhanced Downtown Design Review process would be applied to a limited number of project types that have the greatest potential benefit from this extensive review. The smaller number of potential projects being reviewed would allow the process to become established successfully and show positive results early. The recommended thresholds are:

- Taller than 100 feet in height, or
- Greater than 1 acre site, or
- Larger than 150,000 of total square feet.

Staff did not include a historic resource threshold at this time, as review already exists for projects proposed on sites with historic resources through the Historic Landmarks Commission and its design subcommittee. Staff will continue to review all development projects for consistency with the applicable strategy plans, guidelines and ordinances. All new development proposed in the Downtown Core is subject to the recently adopted Downtown Design Guidelines.

### Costs

The costs to implement the Enhanced Downtown Design Review process will be dependant on several factors including travel costs for the use of out of the area design professionals, staff overtime for additional evening meetings, and meeting preparation costs.

The projects subject to the proposed Enhanced Downtown Design Review process would already be undergoing review by the City. That current process is generally 100% cost recovery and some of these new costs would already be included in that cost recovery structure such as noticing and additional evening meetings. Staff would include in Council approval of a review process, any specific fees necessary to support the program.

### Staffing

To fully support this process would require addition of staff with architectural experience in Planning, Building and Code Enforcement. As noted in the Costs Section above, this would potentially require changes to the fees to support this staffing level. The Redevelopment Agency currently provides limited architectural assistance to the planning staff under an agreement at the time of the Downtown permit transfer late last year. The Agency has agreed to initially fund a contract with an architectural firm that provides architectural and urban design review services to supplement Planning staff review while the program is established and longer-term staff needs can be quantified. At that time, a decision on adding this area of expertise to the full time planning staff would be made.

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### **Future Steps**

Future implementation steps for a design review process would include (1) drafting appropriate municipal code amendments, (2) establishing contracts with third party architects and urban designers, (3) outreach of the process to the development community, and (4) enhanced design training for appropriate staff.

### **PUBLIC OUTREACH**

The design review process options were presented to the Downtown Association committee reviewing Downtown development issues. This committee includes property owners, developers, architects, and the Chamber of Commerce. The proposal has also been presented to the board of the local chapter of the American Institute of Architects and separately to several downtown architects. The proposal was available on the City web site on the page created specifically for the Downtown Rezoning effort.

### **COORDINATION**

This proposal is the result of a coordinated effort of the Department of Planning, Building and Code Enforcement and the San Jose Redevelopment Agency. This memo has also been coordinated with the City Attorneys Office.

### **CEQA**

San Jose 2020 General Plan EIR, Resolution # 65459



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cc:  
Planning Commission  
Historic Landmarks Commission  
Downtown Association  
Chamber of Commerce  
Preservation Action Council of San Jose